

**Minutes of Special and Regular Meeting of July 14, 2015**  
**One Twin Pines Lane, Belmont, CA**

**CLOSED SESSION [Third Floor Conference Room, 6:30 P.M.]**

- (1) Conference With Labor Negotiators  
Agency designated representatives: Greg Scoles  
Employee organization: MMCEA and International Association of Firefighters (IAFF) Local 2400
- (2) Conference With Legal Counsel - Anticipated Litigation  
Initiation of litigation under Government Code Section 54956.9(d)(4): 1 case

Attended by: Councilmembers Wright, Reed, Lieberman, Stone, Braunstein

**ADJOURNMENT at this time, being 7:10 p.m.**

Terri Cook  
City Clerk

Meeting not recorded.

**REGULAR MEETING**  
**CITY COUNCIL CHAMBERS**  
**CALL TO ORDER 7:15 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Councilmembers Wright, Reed, Lieberman, Stone, Braunstein  
COUNCILMEMBERS ABSENT: None

**PLEDGE OF ALLEGIANCE**

Led by Belmont Police Department's Color Guard.

**REPORT FROM CLOSED SESSION**

City Attorney Rennie stated there were no reportable actions from the Closed Session held earlier.

**SPECIAL PRESENTATIONS**

**Swearing In of New Police Officers and Recognition of Promotions in the Police Department**

Police Chief DeSmidt provided background of the new officers and noted the promotion of Corporal Stenquist. City Clerk Cook administered the Oath of Office, and the families of the officers pinned their badges.

Police Chief DeSmidt also bestowed special commendations to Detectives Thompson and Vogel, and Sergeant Adams for their involvement in the investigation of the fatal stabbing that took place in

April.

**Presentation on Upcoming National Night Out (August 4, 2015)**

Police Officer Lorenzini provided information on the events that will be held for the 2015 National Night Out on August 4, 2015.

**RECESS: 7:35 P.M.**

**RECONVENE: 7:45 P.M.**

**Recognition of Carlmont High School Summer Interns**

Human Resources Director Dino provided history of the development of an internship program with Carlmont High School. She noted that seven students were placed with five departments at City Hall. Mayor Braunstein presented Certificates of Participation to the interns.

**Update from PG&E on Community Pipeline Safety Program**

Bill Chang, PG&E, reviewed PG&E's pipeline ongoing testing and safety program.

Darin Cline, PG&E, described an existing issue with tree roots and their potential interference with gas transmission pipes, and PG&E's program of eliminating trees directly over pipelines. He explained the process of notifying private property owners regarding problem trees and the replacement program.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

**Mary Morrissey Parden**, Belmont Chamber of Commerce, outlined upcoming annual meeting and ongoing breakfast speaker series. She also made note of an upcoming NDNU (Notre Dame de Name) speaker series.

**Perry Kerry**, Belmont resident, requested information regarding membership of the City Manager's Advisory Group and information received from the group. He suggested re-forming this group and making it subject to the Brown Act.

**Kathleen Beasley**, Belmont Library, highlighted remaining summer activities at the library.

**COUNCILMEMBER ANNOUNCEMENTS**

Councilmember Wright described the new "My Belmont" application which provides additional connectivity to City Hall.

Mayor Braunstein described his attendance at a grand opening of Sequoia Village, a program which is intended to assist the senior community with remaining in their homes.

**AGENDA AMENDMENTS**

Councilmember Reed recommended and Council concurred to take up the matter of the discussion of

the referendum petition prior to the Public Hearing items on design review and the tree ordinances.

### **ITEMS APPROVED ON CONSENT CALENDAR**

Minutes of Special and Regular City Council Meeting of June 9, 2015 and June 23, 2015

Resolution 2015-079 authorizing the City Manager to execute a County-wide Public works

Mutual Aid Agreement

Resolution 2015-080 authorizing the City Attorney to procure legal services from Renne Sloan Holtzman Sakai LLP

Resolution 2015-081 authorizing a service agreement with Katrina Hardt-Holoch Associates for an amount not to exceed \$56,610 to provide environmental review consulting services for the Merry Moppet Preschool/Belmont Oaks Academy Rezoning & Master Plan Expansion Project at 2200 Carlmont Drive

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Stone, the Consent Agenda was unanimously approved.

### **PUBLIC HEARINGS**

#### **Protest Hearing for Annual Report for Collection of Sewer Service Fees**

Public Works Director Oskoui noted that this action provides for collection of the sewer fees on the tax roll.

Mayor Braunstein opened the Public Hearing. No one came forward to speak. City Clerk Cook confirmed that no protests had been received on this matter.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Stone, the Public Hearing was unanimously closed.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Reed, Resolution 2015-082 Approving the fiscal year 2015/16 Annual Report of City Sewer Service Charges was unanimously approved

### **OTHER BUSINESS (Item taken out of order)**

#### **Referendum Petitions pertaining to Ordinance No. 2015-1086 (Trees) and Ordinance No. 2015-1087 (Zoning)**

City Clerk Cook described the referendum petition delivery and prima facie review process. She noted that on July 9, the County of San Mateo Elections Division determined that the two petitions contained sufficient signatures, and her certification was included as part of the staff report.

City Attorney Rennie outlined the options for the City Council to consider regarding the ordinances. He provided a definition of substantially different should the Council choose to introduce a new ordinance.

**Mary Morrissey Parden**, Belmont Chamber of Commerce, described actions taken by previous City Councils. She pointed out that the current Council was elected based on certain promises, and were elected to make tough decisions. She noted that petition signers were misinformed.

**Robin Zimmerman**, Belmont resident, expressed support for the ordinances and expressed support for putting them on the ballot.

**Chris Flood**, Belmont resident, expressed support for the ordinances. He outlined difficulty he experienced with a home remodel project.

**Gary Feierbach**, Belmont resident, commented regarding the city manager's weekly reports on the passage of the ordinances while referendum petition signature gathering was under way.

**Michael O'Neill**, Belmont resident, spoke regarding the efforts of referendum proponents.

**Mike Peterhans**, Belmont resident, expressed support for the ordinances and suggested putting them on the ballot.

**Daniel Pierce**, Belmont resident, expressed opposition to the ordinances and opposition to the process used to adopt the ordinances.

**Birgit Merian**, Belmont resident, commented regarding the pace at which the ordinances were adopted.

**Nancy Yum**, Belmont resident, expressed support for the ordinances.

**Corinne Mangini**, expressed support for the ordinances.

**Dirk Van Ulden**, Belmont resident, commented regarding lack of outreach regarding ordinances. He described the referendum signature gathering process.

**Joe Brennan**, Belmont resident, expressed opposition to the ordinances, and the ineffective outreach used by the City prior to adoption.

**Richard Hughes**, Belmont resident, commented regarding the need to change the existing ordinances, and also commented regarding the need for better outreach.

**Richard Smith**, Belmont resident, expressed support for the ordinances and noted the public outreach performed.

**Samer Salibi**, Belmont resident, expressed support for the ordinances.

**Gordon Seely**, Belmont resident, commented regarding the change of Belmont's character, traffic,

and effect on trees that could occur as a result of the ordinances.

**Ian Prickett**, Belmont resident, commented regarding the petition signature gathering process.

**Scott Barton**, Belmont resident, expressed support for the ordinances.

**Michael Marcic**, Belmont resident, expressed support for the ordinances.

**Tran**, Belmont resident, commented regarding the referendum process and her previous suggestions to move slowly on passage of the ordinances.

**Laura Peterhans**, Belmont resident, commented regarding the City's outreach efforts to the public through its upcoming agendas. She expressed support for the ordinances.

**Floyd Chan**, expressed concern regarding the potential for large homes that could be constructed under the new ordinance.

**Wayne Hoss**, Belmont resident, expressed support for the ordinances and recommended that they not be placed on the ballot.

**Adele Della Santina**, Belmont resident expressed support for the ordinances.

**Nathan Majeski**, Belmont resident, expressed support for being able to modify homes. He noted that many people make changes without permits.

**Carol Rossi**, Belmont resident, suggested that changes to zoning be made a part of the updated General Plan update. She noted that the permit process should be changed.

**Glen Morgan**, Belmont resident, expressed opposition to the tree ordinance.

**Bessie Ip**, Belmont resident, expressed opposition to the ordinances.

**Nancy Mangini**, Redwood City resident, expressed support for the ordinances.

**Ken Lien**, Belmont resident, expressed opposition to the zoning ordinance.

**Dave Bauer**, Belmont resident, expressed support for the ordinances.

**Alan Sarver**, Belmont resident, expressed support for the ordinances and commented regarding the level of outreach performed by the City.

**Barry Rowland**, Belmont resident, expressed support for the ordinances and commented regarding the level of outreach.

**Karen Shane**, Belmont resident, expressed support for the ordinances.

**Joshua Portner**, Belmont resident, expressed support for the ordinances.

**Kevin Sullivan**, Belmont resident, expressed support for the ordinances and suggested that the ordinances would likely be adopted if they were put before the voters. He commented that this issue would be divisive. He suggested rewriting the ordinances.

**Gladwyn d'Souza**, commented regarding the order that tonight's speakers were called.

**Janet Pepe Davis**, Belmont resident, expressed support for the ordinances.

**RECESS: 10:05 PM.**  
**RECONVENE: 10:18 P.M.**

Councilmember Reed commented regarding the proposed new residence on Paddington Court as mentioned by some of the speakers, and noted that neither its size nor design are governed by the existing or the proposed new regulations.

**MEETING EXTENSION** at this time, being 10:25 p.m., on a motion by Councilmember Stone, seconded by Councilmember Reed, the meeting was unanimously extended to 11:00 p.m.

Councilmember Reed stated that a ballot measure would be divisive. He recommended additional public outreach strategies. He suggested making modifications to the ordinances through a public process. He proposed to reduce size of secondary dwelling unit to 1,000 square feet, to require that the covered parking consist of a garage and not a carport, to reduce the total cap to 5,000 square feet, and to modify residential review tiers. For the tree ordinance he recommended adding additional species to definition of protected class, and reduce the size to 16" for protection.

Discussion ensued with City Attorney Rennie regarding the process for disposition of the referendum petitions.

Councilmember Lieberman stated he could support placing the tree ordinance on the ballot for voters to determine, or repealing the tree ordinance and directing the Parks and Recreation Commission to propose a new ordinance. He also stated that he could support either decision regarding the zoning ordinance.

Councilmember Stone commented regarding the public process used in enacting the new ordinances, and noted the number of residents who supported making changes proposed by the ordinances. He clarified that although an environmental review was not required for these ordinances, one was performed. He expressed concerns regarding the referendum process utilized by the proponents and the incorrect information contained on the proponent's website. He stated that placing the ordinances

on the ballot could be divisive to the community. He expressed support for Councilmember Reed's recommendation.

Councilmember Wright expressed concerns regarding placing the ordinances on the ballot. She commented regarding the misinformation that has been circulated about the ordinances. She expressed support for making revisions to the ordinances.

**MEETING EXTENSION** at this time, being 11:00 p.m., on a motion by Councilmember Lieberman, seconded by Councilmember Stone, the meeting was unanimously extended to 11:30 p.m.

Councilmember Lieberman commented regarding the inappropriate behavior exhibited by referendum proponents when the petitions were delivered to City Hall. He does not support placing the zoning ordinance on the ballot.

Community Development Director de Melo explained improvements made in the public outreach process utilized by the City over the past 15 years.

Councilmember Lieberman outlined modifications that could be considered for the zoning ordinance, including the use of a sliding scale to determine maximum square footage of a home.

Mayor Braunstein recommended that the referendum proponents provide suggested changes to the ordinances as a way to compromise. He does not support placing the ordinances on the ballot.

**MEETING EXTENSION** at this time, being 11:30 p.m., on a motion by Councilmember Stone, seconded by Councilmember Reed, the meeting was unanimously extended to midnight.

Council concurred not to place the ordinances on the November ballot.

Discussion ensued regarding potential modifications that could be made to the ordinances.

**(City Clerk Note: continued discussion regarding this item was done in combination with Public Hearing Agenda Items 8-B and 8-C, Adoption and Implementation of Residential Design Criteria, Residential Design Guidelines, and other Residential Development Regulations, and Adoption and Implementation of Amendments to Tree Regulations, respectively. The following discussion interchanges among all three agenda topics.)**

**Gary Feierbach**, Belmont resident, expressed support for the City sending out a mailer and adopting a sliding scale for home size.

**Daniel Pierce**, Belmont resident, expressed concerns regarding the introduction of a modified ordinance at this late hour. He recommended an incremental approach to amendments.

**Tran**, Belmont resident, expressed concerns regarding comments made by Councilmember Lieberman about the incident that occurred when the petitions were delivered to City Hall.

**Michael O'Neill**, Belmont resident, expressed concerns regarding introduction of a modified ordinance.

**Kevin Sullivan**, Belmont resident, commented regarding the process for amending the ordinances. He suggested that the petition proponents provide suggestions for modifications.

**Gladwyn d'Souza**, Belmont resident, expressed concern regarding the process of reintroduction of the ordinance tonight.

**Joshua Portner**, Belmont resident, suggested that the petition proponents provide suggestions for modifications. He also suggested removal of referendum websites.

**Nathan Majeski**, Belmont resident, commented regarding the process for amending the ordinance.

**Perry Kennan**, Belmont resident, expressed concern regarding the reintroduction of the ordinance.

**MEETING EXTENSION** at this time, being 12:05 a.m., on a motion by Councilmember Reed, seconded by Councilmember Stone, the meeting was unanimously extended to 12:30 a.m.

Discussion ensued regarding the process of repealing and reintroducing an amended ordinance.

City Attorney Rennie summarized the Council's suggested ordinance modifications to include: modifying the tiered review levels, reducing the size of secondary dwelling units from 1,200 to 1,000 square feet, requiring the construction of a garage for new homes and allowing existing carports to remain, changing the maximum allowable square footage cap from 6,000 to 5,000 square feet, and consideration for including a sliding scale for home size. He recommended that the Council maintain the amendment that eliminates the conditional use permit (CUP) requirement for secondary dwelling units for lots less than 8,000 square feet, and to maintain the parking requirements for those units, in order to comply with State law.

**MEETING EXTENSION** at this time, being 12:30 a.m., on a motion by Councilmember Stone, seconded by Councilmember Reed, the meeting was unanimously extended to 1:00 a.m.

City Attorney Rennie suggested that the Planning Commission could consider revisiting the parking standards.

**Gary Feierbach**, Belmont resident, commented regarding eucalyptus trees, and suggested not penalizing residents for the removal of this non-native species.

Council concurred to reduce the tree size for which a permit is required to 16", and to add bay laurel,



buckeye, and madrone to the list of heritage species.

At this time, Council paused the discussion on this matter to allow the city attorney the opportunity to produce a draft of a new ordinance for Council's consideration.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmembers provided an update on their intergovernmental assignments.

Councilmember Stone reported on the infrastructure meeting relative to the proposed revenue measure and noted that the majority of the committee voted not to pursue the matter for November.

Mayor Braunstein reported regarding a meeting with the Belmont-Redwood Shores School District staff relative to pedestrian safety on Davis Drive.

### **Verbal report from City Manager**

City Manager Scoles stated that the City Council and Planning Commission would be holding a joint meeting on the General Plan Update. He described the public outreach process relative to the Belmont Village Specific Plan. He described issues with the energy efficiency retrofit project at the library. He described the new "My Belmont" application for iPhones and Smartphones.

**MEETING EXTENSION** at this time, being 1:00 a.m., on a motion by Councilmember Stone, seconded by Councilmember Wright, the meeting was unanimously extended to 1:30 a.m.

**RECESS: 1:00 A.M.**

**RECONVENE: 1:10 A.M.**

### **Referendum Petitions pertaining to Ordinance No. 2015-1086 (Trees) and Ordinance No. 2015-1087 (Zoning), Adoption and Implementation of Residential Design Criteria, Residential Design Guidelines, and other Residential Development Regulations, and Adoption and Implementation of Amendments to Tree Regulations (continued from earlier)**

City Attorney Rennie provided the City Councilmembers with drafts of new ordinances (on file in the City Clerk's Office), and outlined the changes that were made between the new ordinances and those subject to the referendum. He clarified that the new ordinances include language that repeals Ordinances 1086 (Trees) and 1087 (Zoning).

**ACTION:** On a motion by Councilmember Stone, seconded by Councilmember Reed, and unanimously approved to introduce an ordinance Amending Residential Design Guidelines, Parking and other Regulations for Residential Development in the Belmont Zoning Ordinance (Ordinance

No. 360), Adopting Residential Design Criteria, Modifying Residential Design Guidelines, and Amending the Belmont City Code Regarding off-street Parking (Zoning).

**ACTION:** On a motion by Councilmember Stone, seconded by Councilmember Reed, and unanimously approved to introduce an ordinance Amending Belmont City Code Chapter 25 Regarding Trees and Incorporating by Reference American National Standards Institute (ANSI) A300 (Part 1) (2008 Revision) and International Society of Arboriculture (ISA) *Best Management Practices—Tree Pruning* (Second Addition).

**MATTERS OF COUNCIL INTEREST/CLARIFICATION**

Discussion ensued regarding the request by Mr. Kennan regarding the City Manager's Advisory group. City Attorney Rennie clarified that this is not a Brown Act body. Councilmember Lieberman noted that the City Manager has always met with many stakeholders over the years.

**ADJOURNMENT** at this time, being 1:25 a.m.

Terri Cook  
City Clerk

Meeting videotaped